



Tom Gannon

**Start a website.** The website doesn't need to be too complicated, but attendees often check a website hosted by a university to ensure that the activities are actually happening. You can check our SMMG webpage, <https://web.ma.utexas.edu/users/smmg/>.

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## Some Advice on Filing a Harassment Complaint

*Jesse Leo Kass*

There have been major recent changes in how our profession deals with harassment. While federal laws have prohibited certain forms of harassment since the 1960s, in the past few years several new policies have been created by funding bodies and professional organizations. For example, the National Science Foundation (NSF) started to require that universities report harassment findings in 2018. The commonality of these policies is that the stated purpose is to stop or prevent unwanted behavior against others.

With a view towards these new policies, I will offer advice about what to do before and after you report harassment. I will then offer advice about things you can do to help our community improve how it implements antiharassment policies.

I think it is helpful to divide the policies into (a) internal policies set by a university and (b) external policies set by, say, a funding agency. The internal policies typically create a process by which individuals can submit a complaint of harassment. The university is to respond to a complaint by making an investigation and, if the investigation produces a finding, taking corrective actions. In contrast, under external policies, a funding agency typically does not conduct investigations. Instead, it requires that universities report on investigations produced under internal policies, and it acts in response to those reports. However, when everything works, the two types of policies should form parts of one system: external policies providing oversight so that internal policies are carried out in a way that meets shared expectations of the community, such as members of the AMS.

My article will focus on advice related to filing a complaint under an internal procedure. I will say nothing about the issue of false complaints or more generally how organizations act in response to a finding. I will also say

*Jesse Leo Kass is an associate professor of mathematics at the University of South Carolina. His email address is [kassj@math.sc.edu](mailto:kassj@math.sc.edu).*

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little about how harassment interacts with protected categories like gender or race, although there is a very strong interaction. These are important issues that are deserving of separate articles.

### Advice Before You Report Harassment

If you are considering reporting harassment, a first step should be figuring out what harassment is. Harassment is broadly understood to be unwanted behavior against others, but the formal definition differs in important ways from written policy to written policy. For example, under federal law, unwanted behavior only becomes unlawful when it is based on a protected category like sex. Similarly, under some universities' policies, the behavior only becomes harassment if it is persistent and severe.

Regardless of what written policies say, you should consider how the unwanted behavior is impacting you. If the behavior is having a significant negative impact, then you should take steps to remove yourself from the behavior regardless of what written policy says. The specific steps you should take depend a lot on your circumstances. For example, it could be the case that you can do this by working with your Department Chair, for example by moving your office space. However, it could instead be the case that, if you ask for help, the Chair will retaliate against you in an effort to protect the harasser.

There are a lot of good resources for advice about how to remove yourself from the situation. Some articles I found especially useful are Aisha S. Ahmad's articles "How to detect and dodge a predatory professor" and "Why is it so hard to fire a tenured sexual predator?" They were published in the *Chronicle of Higher Education*, on September 9, 2020, and October 14, 2020, respectively. Those articles focus on sexual harassment of students by tenured professors, but much of the advice applies more broadly.

If you have removed yourself from the harassment, and you are considering taking further action by filing a formal report, it is usually good to first try and informally stop the harassment, for example by asking a supervisor like the Chair to take action. While doing this, you should collect evidence of the harassment and your efforts to stop it.

It can be helpful to research how university officials respond to harassment reports. A good way to do this is to learn about past cases. Finding accounts can be difficult because some organizations are resistant to releasing this type of information. Local media like student newspapers can be a useful source as they often report high-profile harassment cases. However, their reporting does not always provide detailed information about what happened administratively. I have found that lawsuits and similar legal documents can be more useful to read. These documents are sometimes posted online and can be found through an internet search.

Individuals who have filed reports in the past might also be willing to offer advice. However, if you are considering reaching out to somebody, make sure to respect their

privacy. The reporting process can be traumatic, and individuals might not want to discuss it. I would recommend only reaching out to someone if they've explicitly said that it's okay to solicit their advice.

### Advice After You Report Harassment

Even if you do your research and carefully file a harassment report, it could be the case that internal procedures don't work or only work after tremendous effort on your part. I received useful advice on what to do next from a lawyer (Shannon Polvi at the South Carolina law firm of Cromer, Babb, Porter & Hicks).

One potential problem is how officials use language: they may confidently make assertions that are plainly false or illogical. This can be disorienting. The lawyer suggested that a good way to avoid this is to keep a detailed written record and check it against people's statements. She advised maintaining a timeline of events and trying to communicate via a medium like email that automatically creates a record. If it is necessary to have an in-person meeting, consider recording it with a smartphone (making sure to check privacy laws and requesting permission). Then, after the meeting, write a short account of what happened. Writing things down is also a healthy outlet for what is likely to be a lot of stress and upsetting emotions.

You can also use the records you create when following formal procedures to stop harassment. However, with any documents that could be seen by others, write carefully and dispassionately. Before you show a document, reread it with an analytic eye and think about how it would be perceived by someone who knows nothing about the facts or the parties involved. While it can be emotionally satisfying to send a profanity-filled, all-caps email, the lawyer said doing so makes it harder for people like her to help you.

If you are considering taking legal action, keep in mind that not all harassment is illegal. The lawyer explained that most existing laws focus on protection from harassment based on a protected category like sex. When there is an applicable law, there is often a requirement that you exhaust administrative remedies prior to taking legal action, and there are often strict deadlines.

If you find yourself considering legal action, think about paying a lawyer for a consultation. This costs money, but not as much as you might think. In South Carolina, the state bar will arrange a 30-minute consultation for \$50. Thirty minutes is enough time to learn about the relevant laws and their timelines.

You may have a right to see internal records, especially if you are at a public university. Consider learning about state and federal open records laws like the Freedom of Information Act. If there is an applicable law, request records related to your complaint. You often do not need a lawyer to do this. Instead, you just need to submit a form letter that you should be able to find through an internet search.

Realistically, the tools available for stopping harassment are currently limited, and your best option may be to

remove yourself from the harassment by changing jobs. This should not be the case, and in the next section, I will offer suggestions on how to change this.

### Advice for the Community

A basic barrier to stopping harassment is that there are currently few mechanisms for ensuring that universities implement internal antiharassment policies in a manner consistent with reasonable expectations. Well-implemented external policies could provide powerful tools for changing this. When a university violates its internal policies regarding harassment, simply having an external organization point this out is very helpful to the targets of the harassment. However, poorly implemented procedures are harmful as they can legitimize university officials' failure to follow their own procedures.

A straightforward way to promote accountability would be to create more public information about how current policies are implemented. Right now basic information like, "how many reports of harassment has NSF (or the Simons Foundation or...) received to date?" is not publicly available. A basic step would be to collect information like this and make it easily accessible. This could be done by individuals, but it would be more powerful if done collectively, for example through the AMS. Implementation could be as simple as submitting an FOIA request and archiving the response.

Creating transparency about existing reporting policies will not stop workplace harassment of mathematicians. However, it will help create the conditions that allow our community to take action.



Jesse Leo Kass

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## Mathematics and Dance: Notes from an Emerging Interaction

### *Reggie Wilson and Jesse Wolfson*

What can math do for dance? What can dance do for math? For almost 10 years, we—choreographer Reggie Wilson and mathematician Jesse Wolfson—have been exploring and

*Reggie Wilson is the artistic director and choreographer at the Fist and Heel Performance Group. His email address is [rwilson@fistandheelperformancegroup.org](mailto:rwilson@fistandheelperformancegroup.org).*

*Jesse Wolfson is an associate professor of mathematics at the University of California, Irvine. His email address is [wolfson@uci.edu](mailto:wolfson@uci.edu).*

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